

الْوَصِيَّةُ الشَّرْعِيَّةُ

# ISLĀMIC WILL & TESTAMENT

2<sup>nd</sup> Edition

مُحَمَّدُ بْنُ مُصْطَفَى الْجِبَالِي

Muhammad Bin Mustafā al-Jibāly





# ISLĀMIC WILL & TESTAMENT

Since no person knows when or where death will come to him, he must hasten to write his will, as instructed by Allāh's Messenger (ﷺ):

«مَا حَقَّ أَمْرِي مُسْلِمًا، لَهُ شَيْءٌ يُوصِي بِهِ،  
يَبِيتُ لَيْلَتَيْنِ إِلَّا وَوَصِيَّتُهُ مَكْتُوبَةٌ عِنْدَهُ.»

**"It is not rightful for a Muslim, possessing something worth bequeathing, to sleep two consecutive nights without having his written will with him."**

After death, a person's dues must be settled before the estate can be correctly divided among the heirs. Clarifying this in the will prevents confusion and conflicts.

The obligation of writing an Islāmic will is emphasized at the approach of a dangerous undertaking, and is further stressed for Muslims living or possessing property in communities that do not adopt the Islāmic law of inheritance.

This booklet contains a complete and sound Islāmic will, in addition to other useful supplementary forms – all of which can be quickly prepared. If reinforced by legal advice, these documents can prove legally binding and capable of safeguarding the heirs' rights after the preparer's death.



ISBN 189122977-X



Printed in Lebanon

The Inevitable Journey – 2A  
الْوَصِيَّةُ الشَّرْعِيَّةُ  
**Islāmic Will & Testament**



﴿كُتِبَ عَلَيْكُمُ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ إِنْ تَرَكَ خَيْرًا الْوَصِيَّةَ لِلْوَالِدَيْنِ وَالْأَقْرَبِينَ بِالْمَعْرُوفِ ۚ حَقًّا عَلَى الْمُتَّقِينَ﴾ ﴿١٨٠﴾ البقرة ١٨٠

«It is ordained for you, when death approaches any of you and he is leaving behind wealth, that he should make a fair bequest (*waṣiyyah*) for the parents and near relatives – a duty upon the pious.» [*Al-Baqarah* 2:180]



الرُّحْلَةُ الْمَحْتَمَلَةُ - ١٢

The Inevitable Journey – 2A

الْوَصِيَّةُ الشَّرْعِيَّةُ

# ISLĀMIC WILL & TESTAMENT

*2<sup>nd</sup> Edition*

*Prepared by:*

مُحَمَّدُ بْنُ مُصْطَفَى الْجِبَالِيِّ

MUḤAMMAD MUṢṬAFĀ AL-JIBĀLY

مَنْشُورَاتُ الْكِتَابِ وَالسُّنَّةِ

AL-KITAAB & AS-SUNNAH PUBLISHING

Copyright © *Al-Kitaab & as-Sunnah* Publishing, 2012

All rights reserved. No part of this publication may be reproduced in any language, stored in a retrieval system, or transmitted in any form or by any means – electronic, mechanical, photocopying, recording, or otherwise – without the express permission of the publisher.

*Islāmic Will & Testament*  
(*The Inevitable Journey – 2A*)  
Second Edition

31 pages, 22 × 14 cm  
ISBN 1-891229-77-X

**Printed by:**

*Al-Maktab al-Islāmī*  
PO Box 11/3771, Beirut, Lebanon  
Telephone: +961-5-456280, 5-450657  
Web: [www.almaktab-alislami.com](http://www.almaktab-alislami.com)  
Email: [islamic\\_of@almaktab-alislami.com](mailto:islamic_of@almaktab-alislami.com)

**Published by:**

*Al-Kitaab & as-Sunnah* Publishing  
Telephone Numbers:  
+1-817-719-2611 (USA)  
+961-3-046338 (Lebanon)  
+966-50-9600572 / 4-8466002 (Saudi Arabia)  
Web: [www.kspublications.com](http://www.kspublications.com)  
Email: [info@kspublications.com](mailto:info@kspublications.com)



# TABLE OF CONTENTS

<b>TABLE OF CONTENTS</b>	<b>v</b>
<b>PREFACE</b>	<b>vii</b>
Opening Sermon.....	vii
The Obligation of Writing a Will.....	vii
Writing a Will in Non-Islāmic Countries.....	viii
Disclaimer.....	ix
Acknowledgment.....	ix
<b>The Islāmic Will &amp; Testament</b>	<b>1</b>
Testator's Information.....	1
PREAMBLE.....	1
My Declaration of Faith.....	1
Important Counsel to My Beloved Ones.....	2
What to Do When Death Comes to Me.....	3
My Funeral.....	3
My Burial.....	4
My Grave.....	5
Avoiding Violations to Islām.....	5
Offering Condolences.....	5
ARTICLE I - Funeral and Burial Procedures.....	6
ARTICLE II - Executor and Guardian.....	6
Will Executor.....	6
Guardian.....	7
ARTICLE III - My Assets and Liabilities.....	8
ARTICLE IV - Settlement of Debts and Expenses.....	8
ARTICLE V - Contributions and Transfers.....	8
ARTICLE VI - Distribution of the Residuary Estate.....	9
ARTICLE VII - Separability.....	11
CONCLUSION.....	11
Table of Shares.....	11
Notes and Guidelines.....	13
Signatures.....	14
AFFIDAVIT.....	a
<b>APPENDIX: SUPPLEMENTARY FORMS</b>	<b>b</b>
Table of Debts.....	b

Table of Credits.....	c
Assets and Trusts I Owe.....	d
Assets and Trusts Owed to Me.....	e
Promises and Agreements .....	f
Veneration Symbols .....	g



# PREFACE

## Opening Sermon

«إِنَّ الْحَمْدَ لِلَّهِ، نَحْمَدُهُ وَنَسْتَعِينُهُ وَنَسْتَغْفِرُهُ، وَنَعُوذُ بِاللَّهِ مِنْ شُرُورِ أَنْفُسِنَا وَمِنْ سَيِّئَاتِ أَعْمَالِنَا. مَنْ يَهْدِهِ اللَّهُ فَلَا مُضِلَّ لَهُ، وَمَنْ يَضِلَّ فَلَا هَادِيَ لَهُ.»

*Al-hamdu lillāh.* Indeed, all praise is due to Allāh. We praise Him and seek His help and forgiveness. We seek refuge with Allāh from the evil within ourselves and from our wrongdoings. He whom Allāh guides, no one can misguide; and he whom He misguides, no one can guide.

«وَأَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ، وَحْدَهُ لَا شَرِيكَ لَهُ، وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ.»

I bear witness that there is no (true) god except Allāh – alone, without a partner, and I bear witness that Muḥammad (ﷺ) is His ‘*abd*’ (servant) and messenger.

«أَمَّا بَعْدُ، فَإِنَّ خَيْرَ الْحَدِيثِ كِتَابُ اللَّهِ، وَخَيْرُ الْهُدَى هَدْيُ مُحَمَّدٍ، وَشَرُّ الْأُمُورِ مُحْدَثَاتُهَا، وَكُلُّ مُحْدَثَةٍ بِدْعَةٌ، وَكُلَّ بِدْعَةٍ ضَلَالَةٌ، وَكُلَّ ضَلَالَةٍ فِي النَّارِ.»

Indeed, the best speech is Allāh’s (ﷻ) Book and the best guidance is Muḥammad’s (ﷺ) guidance. The worst affairs (of religion) are those innovated (by people), for every such innovation is an act of misguidance leading to the Fire.

## The Obligation of Writing a Will

It is in our human nature to care for our close relatives during our life, and even after our death. This should prompt us to prepare a well-founded will that serves the interest of our beloved ones and guarantees the transfer of our estate to our rightful heirs.

Since no person knows when or where death will come to him, he must hasten to write his will. Allāh’s

Messenger (ﷺ) indicated that this is an obligation upon anyone who has possessions worth bequeathing. Ibn ‘Umar (رضي الله عنه) reported that the Prophet (ﷺ) said:

«مَا حَقُّ امْرِئٍ مُسْلِمٍ، لَهُ شَيْءٌ يُوصِي بِهِ، يَبِيتُ لَيْلَتَيْنِ  
إِلَّا وَصِيَّتُهُ مَكْتُوبَةٌ عِنْدَهُ.»

**«It is not rightful for a Muslim, possessing something worth bequeathing, to sleep two consecutive nights without having his written will with him.»**

Ibn ‘Umar (رضي الله عنه) then noted, “Since I heard this from the Prophet (ﷺ), I did not let even one night pass without having my will with me.”<sup>1</sup>

Writing a will is very important if a person owes dues, to Allāh (ﷻ) or to people, that might not be fulfilled without a will.

Allāh’s dues are religious pledges and debts, such as unpaid *zakāh*, charity, and vows. People’s dues include debts and trusts that the testator owes or are owed to him.

Both types of dues must be settled before the estate can be correctly divided among the heirs. Clarifying this in the will prevents confusion and conflicts after death.

The obligation of writing a will is emphasized at the approach of a dangerous undertaking, such as war, long journey, or serious surgery.

### **Writing a Will in Non-Islāmic Countries**

The obligation of writing a will is more emphasized for Muslims living or possessing property in a non-Islāmic country. Dying intestate (without a will) in a non-Islāmic country can result in a number of problems, such as delays

1. Recorded by al-Bukhārī (2738), Muslim (1627), and other.



in the settlement of the estate, high fees for a court-appointed lawyer (as administrator), and, most importantly, dividing the estate in discord with Islām. All of this may often be prevented by preparing a will that explicitly requires implementation of the Islāmic law of inheritance.

When a Muslim writes his will, he should make sure that the Islāmic requirements in it are legally binding on the executors and heirs. If he fails to do so, his estate may again be distributed in discord with the Islāmic law.

If the testator has minor children, he should appoint a guardian for them in his will. He should be particularly concerned, for instance, about who will take care of his children if he and his spouse die together in an accident. He certainly would not want his children to be brought up by non-Muslims or unpracticing Muslims.

### **Disclaimer**

In this booklet, we present complete Islāmic-will forms, in addition to other useful supplementary forms. We believe that the included forms are legally binding and Islāmically sound. Yet, these forms are all provided AS IS. Even if they are acceptable in one jurisdiction, they may not work in another. Certain factors of a specific individual's situation may also make these forms inappropriate for him. Therefore, it is suggested to consult an attorney or a paralegal specialist before adopting this will.

### **Acknowledgment**

The goal of this work is to help protect the interests of Muslims, especially those residing in non-Islāmic countries. It is a result of the many years that the Author spent in the West doing *da'wah* and providing consultation to Muslims.

This work also benefited from feedback provided by

various individuals over the years. In particular, special regards are due to Azhar Rauf (now residing in Pakistan) who supplied valuable remarks after discussing this will with lawyers and with members of his local community in Austin, Texas.

By publishing this will, we hope that we have succeeded in offering to English-speaking Muslims a beneficial service. For this, we seek Allāh's acceptance and forgiveness.

أَبُو عَبْدِ اللَّهِ مُحَمَّدُ بْنُ مُصْطَفَى الْجِبَالِي

Muḥammad Muṣṭafā al-Jibāly

Amman, Jordan

*Sha'bān* 1433 (June 2012)





*With the Name of Allāh the Most Merciful, the Bestower of Mercy*

# The Islāmic Will & Testament

## Testator's Information

Testator's Name (Use correct legal name consistently and unequivocally throughout this Will)
Birth Date
City of Residence
County or District
State or Province
Country

I, \_\_\_\_\_, being of sound mind and memory, do hereby revoke any and all of my former wills and amendments, and declare this as my last Will and Testament.

## PREAMBLE

### MY DECLARATION OF FAITH

I declare the Islāmic Testimony of Faith (*Shahādah*):

أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ، وَأَشْهَدُ أَنَّ مُحَمَّدًا رَسُولُ اللَّهِ.

*Ash-hadu allā ilāha illallāh, wa ash-hadu anna Muḥammadan rasūlullāh* — I testify that there is no true deity except Allāh (ﷻ), and that Muḥammad (ﷺ) is Allāh's messenger.

I, further, testify that:

- Allāh is the Creator of the heavens and earth.

- Allāh is the God of Ādam (Adam), Nūḥ (Noah), Ibrāhīm (Abraham), Mūsā (Moses), and 'Īsā (Jesus).
- All of Allāh's promises are true. He will surely resurrect those in the graves, and I will surely stand before Him (for Judgment).
- Judgment Day is coming without doubt; *Jannah* (Paradise) is true; and Hell is true.

#### IMPORTANT COUNSEL TO MY BELOVED ONES

The following is my counsel to my beloved ones (spouse, children, relatives, friends, etc.) who survive me:

- Strive to be true Muslims. Worship our Creator (ﷻ) as He alone is to be worshiped. Direct your absolute fear, hope, love, and submission to Him alone. I exhort you with what Ibrāhīm and Ya'qūb (Jacob) exhorted their children:

﴿يَبْنَىٰ إِنَّ اللَّهَ اصْطَفَىٰ لَكُمْ الدِّينَ فَلَا تَمُوتُنَّ إِلَّا وَأَنتُمْ مُسْلِمُونَ﴾ البقرة ١٣٢

«My children, Allāh has chosen for you this religion, so do not die except as Muslims.»<sup>2</sup>

- Revere and venerate Allāh. Be prepared for departure from this life. Take provision of good deeds. Keep the company of learned and righteous Muslims. Let your appearance and behavior reflect Islām in the best way. Strive to spread and establish the religion of Islām.
- Obey Allāh and His Messenger (ﷺ). Hold fast to the Messenger's Sunnah (teachings) and the guidance of the *Salaf* (righteous early Muslims). Maintain the prayers correctly and consistently, as was the Messenger Muḥammad's (ﷺ) final exhortation:

«الصَّلَاةُ، الصَّلَاةُ» **Maintain the prayer, maintain the prayer.**<sup>3</sup>

- Constantly supplicate for me, asking Allāh to grant me mercy and forgiveness.
- Avoid all acts of disobedience. Beware of innovations to Islām or of altering any of its teachings. I disown before Allāh any act of disobedience or innovation that anyone may commit after me.

2. *Al-Baqarah* 2:132.

3. Recorded by Abū Dāwūd, Aḥmad, and others, from 'Alī, Anas, Umm Salamah, and Ibn 'Umar (رضي الله عنهم). Verified to be authentic by al-Albānī (*Irwā'ul-Ghalīl* 2178 and *Ṣaḥīḥ-ul-Jāmi'* 3873, 4616).

## WHAT TO DO WHEN DEATH COMES TO ME

- (1) When death approaches me, have righteous, knowledgeable Muslims attend me. Let those present remind me of maintaining good thoughts about my Lord, hoping for His mercy and forgiveness, and constantly uttering the *Shahādah*.
- (2) Remove from my presence anything that dispels the angels of mercy, such as pictures or statues of humans and animals, dogs, bells, improperly attired people, music, smoking, etc.
- (3) After my soul departs, I ordain the following to my family or those who are present:
  - Close my eyes.
  - Make good supplications for me (in low voice), invoking mercy and forgiveness for me.
  - Take measures to quickly prepare me for the burial.
  - Avoid announcing my death on loud speakers or in newspapers.
  - Stop prompting me to say the *Shahādah*.
  - Hasten to pay off my debts.
- (4) No person dies before his appointed time. So, I ordain to my family the following:
  - Do not preoccupy yourselves with my death. Instead, make proper preparations for your own.
  - Maintain patience, self-composure, and submission to Allāh's decree.
  - Do not raise your voice, wail, strike your cheeks, or do any acts of ignorance that express dissatisfaction with Allāh's decree.
  - Women may not mourn<sup>4</sup> over me for more than three days, except for a widow who is allowed to mourn over her husband for four months and ten days.

## MY FUNERAL

- (5) I ordain that all of my funeral and burial procedures be performed by Muslims, in full compliance with the Islāmic religion<sup>5</sup>. I disown, before Allāh (ﷻ), actions or statements that conflict with the

---

4. Mourning is a display of grief through abstaining from normal actions of pleasure and joy (such as wearing perfume, loud laughing, etc.).

5. This and other funeral related issues are extensively covered in the Author's book, "*Funerals, Regulations & Exhortations*".



Messenger's (ﷺ) Sunnah. No non-Islāmic religious services or observances shall be conducted during my funeral, or on my body. In particular, I ordain that:

- Autopsy or embalment shall not be performed on my body (unless required by law).
- My burial shall not be delayed for reasons unjustifiable in Islām, such as awaiting a specific day or a particular person.
- My body shall be washed three or five times (or more if needed) with soap and water, adding camphor or perfume during the last.
- My body shall be shrouded in three plain white perfumed sheets of cloth that are free of ornaments or other articles.
- I shall be buried in the region where I die; my body shall not be transported over any unreasonable distance except as needed to reach the nearest Muslim cemetery.
- My funeral procession shall be expedited.
- My funeral procession shall not be accompanied by women or incense burners.
- During my funeral, voices shall not be raised with Qur'ān recitation, *Shahādah*, or supplication. Silence shall be maintained, and those present shall contemplate over the event and quietly supplicate for me.
- The funeral prayer upon me shall be conducted outside the graveyard, and not among the graves.
- The largest possible number of Muslims shall be invited to pray upon me, they shall be arranged in a minimum of three rows, and shall be instructed to supplicate for me sincerely and extensively.

#### MY BURIAL

(6) I ordain that:

- My shrouded body shall be buried without any encasement that separates it from the surrounding soil. In the event that the local laws require casket encasement, I ordain that such encasement be of the simplest, most modest, and least expensive type.
- My grave shall be dug according to the Sunnah specifications.
- My grave shall be made as *lahd*<sup>6</sup>. If this is not possible, ledges

---

6. Near the bottom of the grave, in its wall facing *Qiblah* (the direction of Makkah in Arabia), a horizontal niche is made large enough for the body to be placed in it.



should be constructed immediately above my body to support brick slabs to prevent soil from falling directly over me.

- My body shall be laid in the grave on the right side, facing the *Qiblah*; and my back supported with bricks or soil.
- The men who lay down my body shall say: *Bismillāhī, wa'alā millati Rasūlillāh* – with Allāh's name and upon the religion of Allāh's Messenger (ﷺ).
- No pillow shall be placed under my head, no perfumes or decorations shall be sprinkled in my grave, and no worldly possession shall be buried with me.
- After setting me in my grave and closing the bricks, each person attending my burial shall be urged to pour three handfuls of soil into the head end of my grave.
- After finishing my burial, the attending Muslims shall be urged to stay for fifteen minutes around my grave, quietly supplicating for me, asking Allāh to grant me mercy, forgiveness, and firmness of words when questioned by the angels in the grave.

#### MY GRAVE

(7) I ordain that:

- No structure shall be built over my grave.
- The soil over my grave shall not be raised more than one hand-span.
- No fence shall be built around my grave.
- No writing or symbols shall be placed on my grave, except for a simple rock or inscription of my name to mark it so that other family members may later be buried in it.

#### AVOIDING VIOLATIONS TO ISLĀM

(8) At my funeral, I ordain that violations to Islām, including innovated and non-Islamic practices, shall all be prevented. In particular:

- No one shall wear black as a sign of mourning.
- Images, adornments, flowers, wreaths, flags, or symbols shall not be included in any stage of my burial or placed at my grave.
- Qur'ān (including *Sūrat-ul-Fātihah* and *Sūrat-Yāsm*) shall not be recited during the funeral procedures.

#### OFFERING CONDOLENCES

(9) I ordain that:

- Those who wish to express condolences shall be instructed to do so in proper Islāmic terms and manner.
- My family shall not prepare food for those who visit to condole them, nor shall they hire or appoint Qur'ān recitors for the occasion.
- People shall not be hosted for the purpose of offering condolences at my death, on Fridays, on the third day of death, after one week, after forty days, or annually.

Finally, I ask all my relatives, friends and all others, whether they choose to believe as I believed or not, to honor my right to these beliefs. I ask them to honor this document, and not to obstruct it or change it in any way. Rather, let them see that I am buried as I have indicated above, and let my estate be divided as I indicate below.

## ARTICLE I - Funeral and Burial Procedures

- (1) I nominate and appoint one of the following, in this sequence, as dictated by their availability and willingness<sup>7</sup>, as my funeral administrator. The funeral administrator will execute all foregoing and necessary provisions for my proper Islāmic funeral and burial.

Name of Funeral Administrator (Preference 1)	Name of Funeral Administrator (Preference 2)
Address	Address
Telephone Number(s)	Telephone Number(s)

- (2) In the event of legal difficulties in administrating my funeral, I direct my Administrator to seek counsel from learned Muslim men or reputable Islāmic organizations.

## ARTICLE II - Executor and Guardian

### WILL EXECUTOR

- (1) I nominate and appoint one of the following, taken in this sequence, as dictated by their availability and willingness, to be the sole

---

7. If both preferences are unavailable at the time of death, this (and the next two appointments) shall be assigned to the nearest recognized Muslim *imām*.

Executor<sup>8,9</sup> of this Will and Testament.

Name of Executor (Preference 1)	Name of Executor (Preference 2)
Address	Address
Telephone Number(s)	Telephone Number(s)

- (2) I give my Executor, herein named, power to settle any claim for or against my estate, and power to sell any property, real, personal or mixed, in which I have an interest.
- (3) I direct that no bond or surety for any bond be required for my Executor in the performance of his/her duties.
- (4) I direct that no action shall be had in the court in the administration of my estate other than to prove and record this will, or to return an inventory and appraisalment of my estate and list of claims.

**GUARDIAN**

- (5) I nominate and appoint one of the following, taken in the same sequence as dictated by their availability and willingness, and so long as said person remains an upright and practicing Muslim of sound mind and judgement, to be the guardian of the persons and estates of such of my children as shall be minors at and after my death, during their minority.

Name of Guardian (Preference 1)	Name of Guardian (Preference 2)
Address	Address
Telephone Number(s)	Telephone Number(s)

8. This word should be substituted everywhere with "Executrix" in the event that the person executing the will is female.
9. It is recommended that the Executor be a young, practicing Muslim, and may be a spouse, son, daughter, or friend of the Testator.



### ARTICLE III - My Assets and Liabilities

- (1) I own or am owed amounts and items, debts, trusts, businesses, properties, bank accounts, cash, etc. – as is detailed in the attached “Credits” sheets.
- (2) I owe amounts and items, debts, trusts, etc. – as is detailed in the attached “Debits” sheets.

### ARTICLE IV - Settlement of Debts and Expenses

- (1) I direct that my Executor does the following:
  - Return all trust properties in my possession to their rightful owners.
  - Apply the assets of my estate to the payment of all my legal debts, including such expenses incurred by my last illness and burial, as well as the expenses of the administration of my estate.
  - Pay any outstanding monetary religious obligations, including unpaid *zakāh* (obligatory charity), vows, *kaffārāt* (expiation of missed religious obligations), and unperformed *hajj* (pilgrimage to Makkah).
- (2) I direct that:
  - All inheritance, estate and succession taxes (including interest and penalties thereon), payable by reason of my death, shall be paid out of, and be charged generally against, the principal of my residuary estate, without reimbursement from any person.
  - This provision shall not be construed as a waiver of any right that my Executor has, by law or otherwise, to claim reimbursement for any such taxes that become payable on account of property, if any, over which I have a power of appointment.

### ARTICLE V - Contributions and Transfers

- (1) I bequeath the following items and amounts as testamentary transfers and/or charitable contributions to the named persons and organizations.

Person or Organization	Item	Approx. Value



Person or Organization	Item	Approx. Value
<b>Total</b>		%

- (2) The foregoing contributions shall be taken from my estate's remainder after execution of Article IV. If the foregoing total, however, exceeds one third of said remainder, each of the foregoing contributions shall be proportionally reduced to bring the total within the one-third limit.

#### **ARTICLE VI - Distribution of the Residuary Estate**

- (1) I direct and bequeath all of my residuary estate, after the execution of ARTICLE IV and ARTICLE V, as well as any portion of my estate disclaimed or refused by any of the legatees named or referred to in this Will and Testament, only to my Muslim heirs whose relationship to me, whether ascending or descending, has occurred, at each and every stage, through blood relationship or lawful marriage. The distribution of my residuary estate shall be made strictly in accordance with the Islāmic Law of inheritance, as is summarized in the table attached herewith.
- (2) I direct that no part of my residuary estate be inherited by a non-Muslim relative, except legatees specifically named in ARTICLE V.
- (3) Should I die as a result of murder, I direct that the adjudged murderer, principal or accessory in the murder, shall be disqualified

from receiving any part or share of my estate.

- (4) I direct that no part of my estate shall be given to relatives whose relationship to me, whether ascending or descending, has only occurred through non-Islāmic marriage, illicit contact, or adoption, except for the following cases:

(a) Legatees specifically named in ARTICLE V.

(b) Individuals who are related to me through their biological mother.

- (5) I direct that any relationship to me based on a well-established Islāmic marriage shall be accepted – whether or not the marriage has been registered with legal authorities.

- (6) I direct that any fetus, conceived before my death, whose relationship to me qualifies it to be a legal heir according to Islām, shall be considered an heir, provided that it is born alive, and within a reasonable term<sup>10</sup> after my death. In such a case, the distribution of my residuary estate, after the execution of ARTICLE IV and ARTICLE V, shall be delayed until after the birth of the fetus. If some of the other heirs are in urgent financial need, a disbursement may be extended to them not to exceed their minimum possible share after taking the fetus's share into consideration.

- (7) I direct that any residuary estate, after the execution of ARTICLE IV and ARTICLE V and sections 1 through 5 of ARTICLE VI, to the following tax-exempt Islāmic organization:

Organization's Name

Address

Telephone Number(s)

10. A "reasonable term" is normally nine months, but varies among women. Thus, medical advice may need to be sought in doubtful cases.

## ARTICLE VII - Separability

I direct and ordain that if any part of this last Will and Testament is determined invalid by a court of competent jurisdiction, the other parts shall remain valid and enforceable.

## CONCLUSION

This is my will, which I have laid out.

﴿فَمَنْ بَدَّلَهُ بَعْدَ مَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ إِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ﴾ البقرة ١٨١

«Whoever changes the bequest after hearing it, the sin will be upon those who make the change. Truly, Allāh is Hearing and Knowing.»<sup>11</sup>

I ask Allāh to guide me and all the Muslims and grant us righteousness, a good end, and death upon the testimony of Islām.

## Table of Shares

The following table provides the “raw” shares allocated to various individuals by the Islāmic Law of Inheritance. These, together with the portions allotted to specific male individuals, such as sons and brothers (see following notes), provide most of the information needed to determine the exact shares. In some cases, additional refinement may be needed as explained in the notes. In order for an individual to receive a particular share, the required conditions for him (or her) are marked with “y” (yes) or “n” (no). Ex., for a daughter to receive  $\frac{1}{2}$  of the estate, U and not(PA) must hold: only daughter, no brothers. All of the conditions marked for a specific individual must hold simultaneously. The only exception is when the mother receives  $\frac{1}{6}$ , as indicated below. Additional non-common conditions for some individuals are also indicated.

11. Al-Baqarah 2:181.

a b	Individual	Conditions									Additional Conditions & Notes
		U	BH	MOH	PA	HBH	FS	Fa	Mo	2MS	
$\frac{1}{2}$	Husband		n								
	D	y			n						
	Son's D	y			n	n					
	F. sister	y	n	n	n						
	P. sister	y	n	n	n		n				
$\frac{1}{4}$	Husband		y								
	Wives		n								
$\frac{1}{8}$	Wives		y								
$\frac{2}{3}$	Ds	n			n						
	Sons' Ds	n			n	n					
	F. sisters	n	n	n	n						
	P. sisters	n	n	n	n		n				
$\frac{1}{3}$	Mother		n							n	
	M. siblings	n	n	n							
$\frac{1}{6}$	Father		y								
	Mother		y							y	Only one of the 2 conditions must hold
	P. Gfather		y					n			Replaces father in his absence
	Gmothers								n		Replace mother in her absence
	Sons' Ds				n						A higher ranking female must simultaneously rec. $\frac{1}{2}$ .
	P. sisters				n						
	M. sibling	y	n	n							

**Legend:** F = full; P = paternal; M = maternal; O = offspring; D = daughter; G = grand; n = no; y = yes.

U = unique (no other heirs in the same class of relationship to the deceased); BH = the deceased has branch-heirs (offspring); MOH = the deceased has male origin-heirs (father; P. Gfathers); PA = the heir has paternal associates (brothers or cousins of equal class); HBH = the heir has higher-ranking branch-heirs; FS = the deceased has full siblings; 2MS = the deceased has two or more siblings (half or full); Fa = father survives the deceased; Mo = mother survives the deceased.



## NOTES AND GUIDELINES

1. The share for 2 or more of the same class (wives, daughters, etc.) is equally divided among them.
2. After giving the prescribed shares to the individuals who deserve them, the remainder (R) is given to the nearest male relative (or relatives of the same class). The order of priority is: offspring, fathers, brothers, paternal uncles. Thus, in a case involving 3 daughters, mother, grandson, and brother, the daughters receive  $\frac{2}{3}$ , the mother  $\frac{1}{6}$ , and the grandson receives the rest ( $\frac{1}{6}$ ).
3. If there are brothers and sisters in the same class, the shares in the above table cease to hold for them, and a female's share becomes half a male's. Thus, in the case of 3 daughters, mother, son, and brother, the mother receives  $\frac{1}{6}$ , and the rest is divided among the 4 children, so that each daughter receives  $\frac{1}{6}$  and the son receives  $\frac{1}{3}$ .
4. If the heirs all have prescribed shares according to the above table (no male heir to receive the rest), but their shares do not add up to 1, the shares are redistributed with a new denominator so that they add up to 1. Thus, in a case involving a mother and 3 daughters, the mother receives  $\frac{1}{6}$ , and the daughters  $\frac{2}{3}$ , with a total of  $\frac{5}{6}$ . Taking 5 as the new denominator, the mother receives  $\frac{1}{5}$ , and the daughters  $\frac{4}{5}$ . Therefore, from base 15, the shares become 3, 4, 4, and 4 respectively.  
  
On the other hand, in the case of 3 daughters, mother, and husband, the daughters receive  $\frac{2}{3}$ , the mother  $\frac{1}{6}$ , and the husband  $\frac{1}{4}$ , with a total of ( $\frac{13}{12}$ ). Taking 13 as the new denominator (or base), the shares from base 13 become 8, 2, and 3 respectively.
5. A special case is when a deceased is survived by a mother, a father and a spouse. After giving the spouse her or his share ( $\frac{1}{4}$  or  $\frac{1}{2}$ ), the mother receives  $\frac{1}{3}$ R and the father  $\frac{2}{3}$ R.
6. For maternal siblings, both males and females receive equal shares (of the  $\frac{1}{3}$ ).
7. In the absence of all relatives of the foregoing table, as well as all paternal male heirs, the female-linked relatives turn into heirs, with each one substituting for the originator of his or her link. Thus, a sister's daughter takes the position of sister, etc.

## Signatures

**Testator.** In witness whereof, I have hereunto set my hand this day, in the presence of the witnesses hereinafter named, who attest the same at my request.

Day / Month / Year	Testator's Signature
--------------------	----------------------

**Spouse.** Realizing that some localities adopt the Community Property Rule whereat one-half of the residual estate is considered property of the surviving spouse, I hereby decline such an allocation, declare my full consent to my spouse's last will and testament, and resign my right to challenge it.

Spouse's Name	Spouse's Signature
---------------	--------------------

**Witnesses.**<sup>12</sup> We hereby certify that the above instrument was, on the date thereof, signed, published, and declared by the above-signed Testator, as his/her last Will and Testament, in our presence, who at his/her request and in his/her presence, and in the presence of each other, have hereunto subscribed our names as witnesses thereto<sup>13</sup>, believing said Testator at the time of signing to be of sound mind and memory.

Witness's Name and Contact Information	Signature
Witness's Name and Contact Information	Signature
Witness's Name and Contact Information	Signature

This document is made in three identical and original copies. One copy is kept by me, one is deposited with the Executor, and one is with:

12. It is recommended to choose witnesses who are young, familiar with the Testator, and unlikely to move away soon.
13. Signatures should be done in the presence of the witnesses and a notary public. The signatures should be original on all copies. The Testator should also initial each page of the will in the designated place at the bottom.

## AFFIDAVIT

Before me, on this day, personally appeared the undersigned, known to me to be the Testator and the witnesses, respectively, whose names are signed to the foregoing instrument. All of these persons were duly sworn by me. The Testator declared to me and to the witnesses, in my presence, that the foregoing instrument is the Testator's Will and that the Testator willingly signed and executed such instrument in the presence of the witnesses, as the Testator's free and voluntary act for the purposes expressed in the instrument.

Each of the witnesses declared in the presence and hearing of the Testator that the forgoing instrument was executed and acknowledged by the Testator as the Testator's Will in their presence and that they, in the Testator's presence, hearing, and sight, and at the Testator's request, and in the presence of each other, did subscribe their names to the instrument as attesting witnesses on the date of the instrument, and that to the best of their knowledge, the Testator was eighteen years of age or older, of sound mind, under no constraint or undue influence, and the witnesses were of adult age and otherwise competent to be witnesses.

Testator's Name and Information	Signature
Witness's Name and Information	Signature
Witness's Name and Information	Signature
Witness's Name and Information	Signature

The above individuals subscribed, swore to, and acknowledged before me.

Day / Month / Year	Notary Public
--------------------	---------------

## APPENDIX: SUPPLEMENTARY FORMS

The following forms may be needed by some testators. One may make additional copies and append them to the will as needed.

### Table of Debits

The following are debts and liabilities I OWE to individuals and/or institutions (creditors). A positive amount indicates a debt I owe; a negative amount indicates a payment I made.

Notes & Signature	Amount	Creditor's Name & Contact Information	Date

1

2

3

4

5

6



Table of Credits

The following are debts and liabilities OWED TO ME by individuals and/or institutions (debtors). A positive amount indicates a debt owed to me, a negative amount indicates a payment made to me.

Date	Debtor's Name & Contact Information	Amount	Notes & Signature

1 2 3 4 5 6

Assets and Trusts I Owe

The following are trusts, businesses, properties, bank accounts, and other assets I owe or hold for others.

Approximate Value	Location	Item Description	Creditor's Name & Contact Information

123456

Assets and Trusts Owed to Me

The following are trusts, businesses, properties, bank accounts, and other assets owed to me.

Debtor's Name & Contact Information	Item Description	Location	Approximate Value

123456

Promises and Agreements

The following are the promises or agreements between me and various individuals or organizations.

Notes & Signature	Promise or Agreement	Party's Name & Contact Information	Date

1

2

3

4

5

6



## Veneration Symbols

Out of love, appreciation, and gratitude, a Muslim is urged to utter the following phrases at the mention of Allāh, His messengers, or other righteous individuals.

Phrase & Transliteration		Meaning	Uttered with
<i>Subḥānahū wa ta'ālā;</i> <i>Jalla jalāluh;</i> <i>'Azza wajal</i>	سُبْحَانَكَ يَا أَزْهَى الْأَسْمَاءِ	He is exalted above weakness and indignity; exalted is His glory; He is exalted and glorified.	Allāh
<i>Ṣallallāhu 'alayhi wasallam</i>	سَلَامٌ عَلَيْهِ	May Allāh's peace and praise be on him.	Muḥammad or other prophets
<i>'Alayhis-salām;</i> <i>'Alayhas-salām;</i> <i>'Alayhimas-salām;</i> <i>'Alayh as-salām</i>	السَّلَامُ عَلَيْهِ السَّلَامُ عَلَيْهِ السَّلَامُ	Peace be on him, her, both of them, or all of them.	Remarkably righteous individuals (prophets, angels, etc.)
<i>Raḍiyallāhu 'anhū;</i> <i>Raḍiyallāhu 'anhā;</i> <i>Raḍiyallāhu 'anhumā;</i> <i>Raḍiyallāhu 'anhum</i>	رَضِيَ عَنْهُ رَضِيَ عَنْهَا رَضِيَ عَنْهُمَا رَضِيَ عَنْهُمْ	May Allāh be pleased with him, her, both of them, or all of them.	Ṣaḥābah (the Prophet's companions)
<i>Raḥimahullā;</i> <i>Raḥimahallāh;</i> <i>Raḥimahumallāh;</i> <i>Raḥimahumullāh</i>	رَحِمَهُ رَحِمَهَا رَحِمَهُمَا رَحِمَهُمْ	May Allāh have mercy on him, her, both of them, or all of them.	Past scholars or righteous Muslims

## PUBLISHED TITLES BY THE AUTHOR

### Fiqh Handbooks

1. Festivals & Celebrations in Islām, 2<sup>nd</sup> Ed., 272 p, 2005.
2. The Night Prayers, *Qiyām & Tarāwīḥ*, 2<sup>nd</sup> Ed., 195 p, 1999.

### The Inevitable Journey

1. Sickness, Regulations and Exhortations, 2nd Ed., 327 p, HB, 2003.
2. Inheritance, Regulations and Exhortations, 2nd Ed., 175 p, HB, 2005.
- 2a. Islāmic Will & Testament Booklet, 2nd Ed., 32 p, 2012.
3. Funerals, Regulations and Exhortations, 2nd Ed., 326 p, HB, 2003.
4. Life in *al-Barzakh*, from Death until Resurrection, 2nd Ed., 269 p, 2006.
5. The Dreamer's Handbook, Sleep Etiquettes & Dream Interpretation, 360 p, HB, 2006.

### The Muslim Family

1. Quest for Love & Mercy (Regulations for Marriage & Wedding in Islām), Rev. Ed., 204 p, 2005.
2. Closer than a Garment (Marital Intimacy According to the Pure Sunnah), Rev. Ed., 192 p, 2005.
3. The Fragile Vessels (Rights & Obligations between the Spouses in Islām), Rev. Ed., 190 p, 2005.
4. Our Precious Sprouts (Islāmic Regulations for Newborns), 234 p, 2002.

### Īmān Made Easy

1. Knowing Allāh, 2nd Ed., 127 p, 2002.
2. Knowing the Angels, 2nd Ed., 131 p, 2003.
3. Knowing Allāh's Books & the Qur'ān, Rev. 2nd Ed., 124 p, 2007.
4. Knowing Allāh's Prophets & Messengers, 127 p, 2002.
5. Knowing the Last Day, 216 p, 2004.
6. Believing in Allāh's Decree, *Qadar*, 247 p, 2004.

### Enter Into Islām Completely

1. The Beard & Other Traits of *Fiṭrah*, 2nd Ed., 111 p, 2005.
2. Smoking, Intoxicants, & Narcotics, 2nd Ed., 174 p, 2012.
3. Birth Prevention; an Islāmic Perspective, 2nd Ed., 126 p, 2008.
4. Regulations of Worship During Menses, 2nd Ed., 127 p, 2007.

### Amazing Authentic Stories

1. Ādam, Father of Humanity, 215 p, 2009.
2. Ibrāhīm, A Nation in One Man, 184 p, 2003.

### Other Titles

1. The Spiritual Journey to Allāh & His Messenger (*ar-Risālat-ut-Tabūkiyyah*), Rev. 2nd Ed., 131 p, 2007.
2. Commanding Good & Forbidding Evil According to Ibn Taymiyyah, 54 p, 1997.
3. Allāh's Right upon His Servants: *Tawḥīd* vs. *Shirk*, 51 p, 1995 (out of print).
4. The Qur'ān and the Sunnah, 38 p, 1982 (out of print).